

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FORTUNA GEBRU FKADU,

Plaintiff,

v.

KIDANE TESFAY,

Defendant.

CASE NO. C21-0318JLR

ORDER GRANTING MOTION
TO EXTEND DEADLINE TO
FILE ANSWER

Before the court is *pro se* Defendant Kidane Tesfay's response to summons in a civil action, which the court construes as a motion for an extension of time to file his answer to Plaintiff Fortuna Gebru Fkadu's complaint. (Mot. (Dkt. # 4).) Mr. Tesfay represents that he was served with the summons and complaint in this matter on March 11, 2021, but has not yet been able to find an attorney familiar with immigration and family law to represent him.¹ (*Id.*) He states that he learned his divorce attorney would

¹ Ms. Fkadu seeks financial support from Mr. Tesfay under the United States Citizenship and Immigration Services ("USCIS") Form I-864, Affidavit of Support, which mandates that

1 not be able to represent him in this action, and that he is busy working “on the front line”
2 as a COVID-19 vaccinator pharmacist. (*Id.*) He seeks a 45-day extension of the deadline
3 to file his answer to afford him time to find an attorney. (*Id.*)

4 Ms. Fkadu does not oppose Mr. Tesfay’s request for an extension of the deadline
5 to answer her complaint. (Resp. (Dkt. # 5).) She asks, however, that the court limit the
6 extension to 21 days from the original April 1, 2021 deadline. (*Id.*); *see also* Fed. R. Civ.
7 P. 12(a)(1)(A)(i) (defendant shall serve an answer within 21 days after being served with
8 the summons and complaint). She states that her attorney notified Mr. Tesfay of her
9 claim in September 2020, and that Mr. Tesfay represented at that time that he intended to
10 retain counsel. (*See* Resp. at 2; *see also id.*, Ex. 1 (Dkt. # 5-1) (September 17, 2020 email
11 from Mr. Tesfay).)

12 The court has considered Mr. Tesfay’s motion, the submissions filed in support of
13 and in opposition to the motion, the relevant portions of the record, and the applicable
14 law. Being fully advised,² the court GRANTS Mr. Tesfay’s motion for an extension of
15 the deadline to file his answer. The court finds that Mr. Tesfay has established good
16 cause for a 45-day extension of the deadline to file his answer to allow him time to find
17 counsel to represent him in this matter. *See* Fed. R. Civ. P. 6(b)(1)(A) (allowing court to
18 extend a deadline on good cause shown). Although the court is sympathetic to Ms.

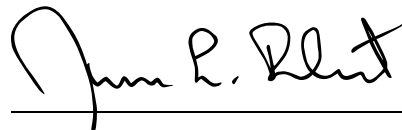
19
20 _____
21 individuals sponsoring certain classes of immigrants guarantee the intending immigrant a level of
22 financial support sufficient to meet basic human needs. (*See* Compl. (Dkt. # 1) ¶¶ 1, 16, 20-21,
23.)

22 ² Neither party requests oral argument (*see* Mot.; Resp.) and the court finds oral argument
unnecessary to its disposition of the motion, *see* Local Rules W.D. Wash. LCR 7(b)(4).

1 Fkadu's argument in favor of a shorter extension, the court finds that the orderly
2 administration of justice in this matter involving complex immigration statutes and
3 regulations (*see generally* Compl.) will be best served if both parties are represented.

4 For these reasons, the court GRANTS Mr. Tesfay's motion for an extension of
5 time to file his answer to Ms. Fkadu's complaint (Dkt. # 4) and ORDERS Mr. Tesfay to
6 file his answer by no later than May 16, 2021. If Mr. Tesfay has not retained counsel to
7 represent him by that date, he shall file his answer *pro se*.

8 Dated this 8th day of April, 2021.

9
10 

11 JAMES L. ROBART
12 United States District Judge
13
14
15
16
17
18
19
20
21
22